

MADISON COUNTY BOARD OF ZONING APPEALS

IN THE MATTER OF PETITION 2019-SU-001  
BY LONE OAK SOLAR ENERGY, LLC



**AMENDED ORDER TO CORRECT SCRIVENER'S ERROR**

Comes now the Madison County Board of Zoning Appeals ("BZA"), and after receiving written and oral evidence at a April 23, 2019 hearing, as well as the continuation of that hearing on both May 16, 2019 and May 28, 2019, now states the following:

1. Board Members Don Pine, Beth Vansickle, Jerry Stamm, and Vice Chair John Simmermon were present during the April 23, 2019 hearing, as well as both continuations thereof. Chair Mary Jane Baker did not participate or attend the hearing.
2. After considering all oral and written evidence, the BZA hereby, pursuant to a 3-1 vote, APPROVES 2019-SU-001 submitted by Petitioner Lone Oak Solar Energy, LLC.
3. The BZA hereby adopts the Findings of Fact for Special Use contained in the May 28, 2019 Staff Report of the Madison County Board of Zoning Appeals, which is attached hereto as Exhibit "A."
4. The BZA's adoption of the Findings of Fact for Special Use are contingent on the Board's Conditions for Adoption of Findings of Fact, which are attached hereto as Exhibit "B."

SO APPROVED ON THE 28<sup>TH</sup> DAY OF MAY, 2019

/s/ JOHN SIMMERMON

JOHN SIMMERMON, VICE CHAIR

MADISON COUNTY BOARD OF ZONING APPEALS

**This Amended Order is issued to correct a Scrivener's error contained in Condition #7 of the "Conditions for Adoption of Findings of Fact".**

**STAFF REPORT  
MADISON COUNTY BOARD OF ZONING APPEALS**

*May 28, 2019*

**Petition 2019-SU-001**

Updated: May 24, 2019

**Case Number:** 2019-SU-001

**Address:** N/A

**Parcel(s):** 48-05-08-100-006.000-025, 48-05-08-200-001.000-025, 48-05-08-300-001.000-025, 48-05-08-400-001.000-025, 48-05-08-400-003.000-025, 48-05-08-600-001.000-025, 48-05-09-200-004.000-021, 48-05-09-200-005.000-021, 48-05-09-200-006.000-021, 48-05-09-300-002.000-021, 48-05-09-300-004.000-021, 48-05-17-100-028.000-025, 48-05-17-200-007.000-025, 48-05-17-300-001.000-025, 48-05-17-300-004.000-025, 48-05-17-300-005.000-025, 48-05-17-400-001.000-025, 48-05-17-400-002.000-025, 48-05-17-400-003.000-025, 48-05-17-400-007.000-025, 48-05-17-400-014.000-025, 48-05-17-400-015.000-025, 48-05-17-400-018.000-025, 48-05-17-400-019.000-025, 48-05-19-100-001.000-025, 48-05-19-100-005.000-025, 48-05-19-300-002.000-025, 48-05-19-300-011.000-025, 48-05-19-400-002.000-025, 48-05-19-400-003.000-025, 48-05-19-400-004.000-025, 48-05-19-400-007.000-025, 48-05-19-400-009.000-025, 48-05-20-100-001.000-025, 48-05-20-300-003.000-025

**Township:** Pipe Creek Township and Monroe Township

**Commissioner:** North District Commissioner

**Location:** Multiple locations between West 1000 North and West 1300 North (north to south) and North 350 West and North 600 West (east to west) – please see the Site Plan for precise locations

**Owner(s):** Dianna Etchison, Dan Etchison, Denise Etchison, Barber Family Farms Inc., Barber Livestock Farms Inc., Helser Family Share Trust dated January 19, 2017, John W Richwine Farms Inc, Benjamin Lloyd Richwine Farms Inc, Cindy Pruitt, Shirley Reason, Leota Brown, Patricia Shrock, Tony Barber, Judy Bailey, Don & Judy Bailey Farms Inc., Gary Reichart, Myron Wittkamper, Ray & Tamara Utterback, Virgil & Kaye Canfield, Justin D. Fisher, Mitchell L. Cain, Robert L. Cain, Linda L. Cain

**Petitioner:** Lone Oak solar Energy, LLC, c/o Katya Samoteskul

**Zoning:** Agriculture (AG)

**Request:** A Special Use to construct a Large Scale Solar Farm on approximately 800 acres of leased ground

**Notices:** 150 Notices mailed out by April 12, 2019

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*May 28, 2019*  
**Petition 2019-SU-001**

Updated: May 24, 2019

**SUMMARY:**

**SITE, PETITIONER, PROPOSAL, and OPERATION INFORMATION**

- ◊ The petitioner is Lone Oak Solar Energy, LLC which is a Delaware Limited Liability Company authorized to do business in Indiana. Lone Oak Solar Energy, LLC is a wholly-owned subsidiary of Invenergy and the Principal Office address is located in Chicago, Illinois.
- ◊ Invenergy develops, builds, owns and operates large-scale energy facilities across four core technologies (wind, natural gas, solar, battery storage). Invenergy has developed 125 large-scale projects totaling more than 20,000 MW.
- ◊ Lone Oak Solar Energy, LLC will develop, design, permit construct and operate the project and sell the electrical output to customers pursuant to one or more agreements. Alternatively, Invenergy will sell some or all of the project to one or more public utilities, and will remain as the builder and operator of the project.
- ◊ The proposed project will be located on 35 different parcels with a total of 23 different property owners. All 35 properties are zoned Agriculture (AG).
- ◊ The total acreage of the 35 parcels involved in the project is 1332.589 acres. The project will be built on approximately 850 acres of land that is leased out of the 1332.589 acres.
- ◊ The property breakdown by family is as follows:

PROPERTY OWNER	TOTAL ACREAGE	PERCENTAGE
Balley	267.070	20.04%
Barber	104.192	7.82%
Brown	22.750	1.71%
Cain	42.358	3.18%
Etchison	309.511	23.23%
Heiser	217.890	16.35%
Pruitt	161.091	12.09%
Reason	21.460	1.61%

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Relchart	80.000	6.00%
Richwine	76.267	5.72%
Wittkamper	30.000	2.25%
<b>TOTALS</b>	<b>1332.589</b>	<b>100.00%</b>

- ◊ The proposed project is a solar photovoltaic (PV) electric generation facility and will have an installed capacity of up to 120 MWAC. Power is generated by the panels as direct current (DC), which is then converted to alternating current by inverters. The total production by the panels may be up to 158 MWDC
- ◊ The proposed project is located on 35 subject parcels which total 1332.589 acres. The proposed project will be constructed on approximately 800 acres of the 1332.589 acres. The subject parcels are located between West 1000 North and West 1300 North, north to south, and between North 600 West and North 350 West, east to west.
- ◊ The main components of the proposed project include solar PV panels, racking to fasten and support the panels, a tracking system, transformers and inverters, foundations and steel piles, electrical cabling and conduits, and perimeter fencing, site access and internal roads.
- ◊ The proposed project will contain approximately 411,453 solar modules, 58,025 steel piles, approximately 40,200 linear feet of electrical cable and conduit, 104,550 linear feet of perimeter fencing (7 foot tall cattle fence), and approximately 8.3 miles of internal road access.
- ◊ The solar modules will weigh approximately 53 to 58 pounds, will measure approximately 77 inches by 39 inches, and will mainly be comprised of non-metallic materials such as silicon, monocrystalline glass, composite film, plastic, and epoxies, with an anodized aluminum frame.
- ◊ The site will be staffed by 2 to 3 solar technicians from 7am to 4pm, Monday through Friday. Technicians will be dispatched on weekends and holidays to respond to material equipment issues and emergencies. Vehicular traffic on the site will likely be light-duty pickups or other passenger vehicles. Emergency contact numbers will be posted at the site for after-hours reporting.
- ◊ Routine equipment maintenance will be conducted and generally includes daily general site condition inspections, monthly substation inspections, semi-annual inverter inspections and air filter replacements, annual racking, cable termination and

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fastener checks, and as needed checks of facility security cameras and entrance lighting.

- ◇ The petitioner has submitted as part of the application the required Decommissioning Plan, the required Soil Reclamation Plan, the required Equipment Specification Sheets, the required Operation and Maintenance Plan, and the required Site Plan.
- ◇ The Decommissioning Plan shall come into effect if the Project Facilities fail to produce electricity for 12 consecutive months, unless a plan outlining the steps and the schedule for returning the Project Facilities to service is submitted and approved by the BZA within the 12 month discontinuation period.
- ◇ The Removal Bond required as part of the Decommissioning Plan, shall be equal to the estimated amount by which the cost of removing the Project Facilities exceeds the salvage value of such Project Facilities (Net Removal Costs). Lone Oak Solar has estimated that cost to be \$1,459,020.
- ◇ The petitioner has voluntarily offered 100 foot setbacks from occupied buildings and landscaping in particular locations throughout the project. All required building setbacks will be adhered. Additional landscaping and buffering for the project was agreed upon and an updated Landscape and Buffering plan was submitted on April 18.
- ◇ The Swanfelt Regulated Drain is an open ditch that meanders through a large portion of the project. No development will be located within 75 feet of the top of the bank of the Swanfelt Regulated Drain and no construction will be conducted in the Special Flood Hazard Area (SFHA), which begins just west of North 500 West, and continues downstream. The Indiana Department of Natural Resources (IDNR) has estimated the "flood zone" upstream of the SFHA. No development will be conducted in the designated "flood zone" developed by IDNR.
- ◇ There are numerous sub-surface Regulated Drains located throughout the project area. The project will not be located within the easement of all Regulated Drains.
- ◇ Full construction activities will likely start in 2022 to meet a 2023 commercial operation date. The construction will take approximately 10 to 12 months (including site roads, piles, racking, panels, electrical cabling and grid infrastructure). The construction will be completed in one phase.

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- ◊ Cabling will need to cross public roads, but will not be placed in any roadway easements.
- ◊ Lighting will be limited to motion activated lights for security purposes.
- ◊ Foliage within the fenced-in area is anticipated to grow between 1 to 3 feet tall.
- ◊ The panels, at their highest point, may be up to 15 feet above the ground. The panels are generally mounted to the racking at approximately 6 to 7 feet off the ground.

**LAND USE & DEVELOPMENT CODE**

- ◊ Article 3.4 "*Agriculture District*" of the Land Use and Development Code states that the front yard setback when adjacent to an Arterial Road is 150 feet, the front yard setback when adjacent to a Collector Road is 100 feet, and when adjacent to a Local Road is 35 feet. The side yard setback is 25 feet and the rear yard setback is 30 feet.
- ◊ Article 6.29, SE-02 "*Solar Energy System Standards*" of the Land Use and Development Code states that in the Agriculture (AG) Zoning District, Large-Scale Solar Energy Systems are permitted with a Special Use.
- ◊ Article 6.7 (B) "*Buffer Yard Standards*" of the Land Use and Development Code states that there is no buffer yard requirements between Agriculture (AG) Zoned parcels and there is not buffer yard requirements between Agriculture (AG) and Conservation Residential (CR) Zoned parcels.
- ◊ Article 11.8 - C "*Special Uses*" of the Land Use and Development Code states that "*The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in Section 11.8(A) will be served*" (Section 11.8(A) is the Findings of Facts for Special Uses).

**THOROUGHFARE PLAN**

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- ◊ The Madison County Thoroughfare Plan defines West 1300 North as a Local Road, State Road 28 as an Arterial Road, West 1100 North as a Collector Road, West 1000 North as a Local Road, North 350 West as a Local Road, North 400 West as a Local Road, North 450 West as a Local Road, North 500 West as a Collector Road, North 550 West as a Local Road, and North 600 West as a Local Road. Arterial Roads are to have a one-hundred (100) foot right-of-way measured fifty (50) feet from the center of the road. Collector Roads are to have eighty (80) foot right-of-way measured forty (40) feet from the center of the road. Local Roads are to have sixty (60) foot right-of-way measured thirty (30) feet from the center of the road.

**ZONING CLASSIFICATION**

- ◊ All 35 parcels in the proposed project area are zoned Agriculture (AG). The Ag One, LLC property, located on the east side of North 400 West, approximately ½ mile north of West 1100 North is zoned General Industrial (GI). Parcels in and around the Town of Dundee (as indicated on the attached map) is zoned Conservation Residential (CR). All other parcels surrounding the proposed project, and within the specified location of the area required to receive notice, are zoned Agriculture (AG).
- ◊ The proposed project area and the surrounding adjacent parcels have a mixed use of agriculture and residential, with one industrial use.

**ADDITIONAL REQUIREMENTS if APPROVED**

- ◊ Before the proposed project may be constructed, Drainage Board approval is required. No Improvement Location Permits may be issued until Drainage Board approval is given. The construction of fences, moving dirt, concrete pads, or establishing drives within the project area do not require an Improvement Location Permit. Connecting a drive to a road, or a road cut, does require a Driveway Permit.

**RECOMMENDATION**

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*May 28, 2019*  
**Petition 2019-SU-001**

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- ◇ Staff recommends approval of the Special Use.

**FINDINGS of FACT for SPECIAL USE**

1. *Would the approval be injurious to the public health, safety, morals, and general welfare of the community?*  
No, there will be no injury if the attached conditions are adopted. The proposed project will comply with all aspects of the Land Use and Development Code, will obtain all appropriate approvals from the Indiana Department of Environmental Management (IDEM) and the Madison County Soil and Water Conservation District, and will comply with all applicable local, state and federal construction and drainage requirements. The project includes perimeter security fencing with controlled points of ingress/egress and a secondary access location to facilitate emergency response. Twenty-four hour security monitoring will be in place during construction and while in operation.
2. *Will the requirements and development standards set forth in the district for such exception be met?*  
Yes. The petitioners have submitted two petitions for variance requests. The first is requesting the removal of building setback lines along adjacent properties in which the project will be located. The second request is an extension of the three (3) years maximum in order to begin construction.
3. *Will the proposed use subvert and permanently injure other property or uses in the same district and vicinity?*

No, the proposed use will not subvert and permanently injure other property or uses in the same district. Agriculture uses have extended to energy production for decades. The harnessing of solar energy is a permitted use in the Agriculture (AG) zoning district with the approval of a Special Use.

An analysis of the impact of property values that a major solar energy project may have on nearby landowners has been conducted by numerous independent appraisers throughout the country. A report by Cohn Reznick, a Real Estate Valuation company conducted a property value impact study on the Newark Road Solar Project in Kendall County, Illinois and determined there was no evidence of a Large Scale Solar Farm having an adverse impact on property values for properties near the Solar Farm. Cohn Reznick also conducted a study looking at nine different Large Scale Solar Farms, four of which are in Illinois, four of which are in Indiana, and one of which is in Minnesota. The same



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determination was made that there is no evidence that Large Scale Solar Farms have an adverse impact on property values. Marous & Company conducted an independent Market Impact Analysis for the proposed Lone Oak Solar Energy Project, reaching the same conclusion determined in the aforementioned studies. A study completed in May 2018 by Project Director Dr. Varun Rai of the University of Texas at Austin holds a differing viewpoint in comparison to the numerous Market Impact Analysis Studies. Specific conditions regarding setbacks and distance of residential structures from solar panels may negate concerns addressed by the University of Texas at Austin study. As distance is increased between residential structures and solar panels, the University of Texas at Austin study has similar findings to those produced by the extensive Cohn, Reznick, Marous & Company study. Although each study referenced is an extensive study with similar findings, none of the studies necessarily take into account the unique nature of each parcel of real estate and vicinity. Based on the similarities of each report, the study prepared by Cohn Reznick Marous & Company is complete, in line with each reviewed study, and should be adopted if the attached conditions are adopted.

Surface drainage patterns will not be disrupted by the development and before construction may begin, Drainage Board approval will be required to insure sub-surface drainage tiles and surface drainage is not adversely impacted. Between the rows of panels and under the panels, vegetation will be planted that will reduce the runoff coefficient releasing less water onto neighboring parcels. Lone Oak Solar LLC has stated that all private drain tiles damage during construction will be repaired as damage occurs, and any issues that appear post-construction will be repaired as quickly as possible at the project owner's expense.

**4. *Will the proposed use be consistent with the character of the zoning district and the Comprehensive (Comp) Plan?***

Yes, the project will maintain the overall rural character and the overall environmental integrity in Madison County, both of which are stated goals in the Madison County Comprehensive Plan. The proposed project directly enhances and preserves agricultural activities as it will not result in a permanent loss of agricultural land, at the end of the project's life the project area will be fully restored per the Decommissioning Plan Agreement and the Soil Reclamation Plan, the property(s) that are part of the project will remain zoned Agriculture so the property will not need to be rezoned back to Agriculture, and the soils will be preserved resulting in fertile soils at the end of the projects life. The Special Use will insure that the agricultural property in the project area is not subdivided for the construction of new homes, resulting in the permanent reduction of agricultural land. The scale of the project does require modification in order to be completely consistent with the Comprehensive Plan. The attached conditions will establish that consistency with the Comprehensive Plan.

**MADISON COUNTY BOARD OF ZONING APPEALS  
CONDITIONS FOR ADOPTION OF FINDINGS OF FACT,  
AMENDED TO CORRECT SCRIVENER'S ERROR  
2019-SU-001, 2019-V-005, 2019-V-006**

May 28, 2019

The Madison County Board of Zoning Appeals ("BZA") requires the following conditions for the approval of 2019-SU-001, 2019-V-005, and 2019-V-006, and the findings of fact by contained therein are contingent on the below listed conditions:

1. Except as noted below, Petitioner shall comply with all terms of the Decommissioning Plan Agreement as submitted to the case file.
2. No solar panel shall be located closer than 500 feet from an existing non-participating residential structure or closer than 200 feet from the property line of a non-participating owner; provided, however, that solar panels may be located no closer than 250 feet from a non-participating residential structure or closer than 100 feet from a non-participating owner's property line only if (a) a non-participating owner consents, in writing, to the placement of solar panels no closer than 250 feet from that owner's residential structure or no closer than 100 feet from a non-participating owner's property line; and, (b) the written consent described herein is recorded with the Madison County Recorder's office, with a copy of the recorded instrument provided to the Madison County Planning Department and Madison County Plan Commission. Notwithstanding the above, all solar panels shall meet the Madison County setback requirements of (i) 25 feet from side yards, (ii) 30 feet from rear yards, (iii) 150 feet from arterial roads, (iv) 100 feet from collector roads; and (v) 25 feet from local roads.
3. Landscaping shall be installed in compliance with the Petitioner submitted Lone Oak Solar Landscape Plan dated April 18, 2019 ("Landscape Plan"), with the exception that, when requested by a non-participating abutting landowner with a sight line to a solar panel in question, evergreen trees or vegetation shall be installed in place of the vegetation specified in the Landscape Plan.
4. For repair of drainage infrastructure or systems damages by any cause connected with the Project, Petitioner shall restore the drainage infrastructure or system to pre-existing conditions or better within a period of three (3) months after receipt of notice of such damage, unless such repair is rendered impractical by weather or other natural force. Petitioners shall be responsible for all expenses related to repairs, relocations, reconfigurations, and replacements of drainage infrastructure and systems that are damaged as a direct result of the Project. Petitioner shall post a "5A" surety bond in an amount to be determined by the Madison County Drainage Board ("Drainage Board"), payable to the Drainage Board to address any need for drainage tile repair, replacement or re-routing caused by construction activities or installation of the Project, such bond to be posted within 45 days after commencement of Project commercial operations

date and to remain in effect for a period of five (5) years thereafter. The Drainage Board shall determine and adjudicate whether claims brought by an adjacent property owner for damage to drainage tile directly result from the project based on substantial evidence.

5. Petitioner shall fully comply with Indiana Code requirements regarding legal drains except as otherwise approved by the Drainage Board and any other necessary bodies, including, but not limited to, the Storm Water Management Ordinance.

6. Petitioner shall provide equipment specifications for the solar energy system to the Madison County Planning Executive Director prior to the issuance of Improvement Location Permits for the final site design and construction of the Project.

7. Petitioner shall not construct any additional phases or expand the Loan Oak Solar Project anywhere in Madison County, with the following exceptions: (i) expansion provided for by agreement of non-participating owners, as described in Condition #2 herein, or (ii) additional lands needed due to increased setbacks imposed under Condition #2. Notwithstanding these exceptions, the Project production capacity shall not exceed 120 megawatts.

8. Petitioner shall repair documented damages to County roads damaged during construction or operations to the pre-construction condition pursuant to the direction of the Madison County Highway Superintendent. Petitioner shall post a "5A" surety bond in an amount to be determined by the Madison County Board of Commissioners to address said repairs.

9. Unless otherwise stated in these conditions, Petitioner shall comply with the terms of the Property Operation and Maintenance Plan as submitted to the case file.

10. Upon completion of construction of the Project, a representative from the Operator shall conduct, at Operator's expense, annual training and drills with local emergency responders.

11. Petitioner shall pursue an agreement with the Drainage Board and Madison County Surveyor ("Surveyor"). Petitioner shall comply with the reasonable direction of the Surveyor regarding (a) retention at Petitioner's sole expense of an appropriate inspector, including a "not to exceed" budget; (b) notification to the Surveyor when all drainage improvements and worth within the public right-of-way have been completed and inspected by the inspector; and (c) timeline and process for repair of any damage caused by the Project.

12. Prior to initiating construction, petitioner will engage an independent third party to develop a groundwater monitoring program within the fence line of the Project, which will include, but not be limited to, establishment of baseline levels for constituents of concern and monitoring every two (2) years for the life of the Project. The results of the monitoring program may be shared with land owners as required by the operative Lease and Easement Agreements and shall be provided to any necessary government agencies as required by law.

13. Prior to the issuance of an Improvement Location Permit, Petitioner shall provide the Executive Director a topographic and hydrology study of the Project site.

14. Noise levels produced by the Project under normal operating conditions shall, in no event, exceed 45dB(A) $L_{eq}$  (1 hour) at occupied residences of non-participating land owners.

15. No lighting will be installed or operated on the Project site other than as needed for 1) security lighting at the Project gate(s), 2) emergency lighting at inverters and substations as needed and otherwise in the Project area for emergency responses, 3) within the substation footprint, 4) inspection/repair purposes, 5) internal, external, and down lighting of the O&M building, and 6) as otherwise required by applicable law.

16. Petitioner shall post a "5A" surety bond, in an amount no less than \$5,608,003, the estimated cost of decommissioning the project as provided by Petitioner's Decommissioning Plan (See Section 4.1, Table 3), payable to the Madison County Plan Commission, for possible decommissioning costs. The estimated cost of decommissioning the project shall be reevaluated every three (3) years, with the amount of the surety payable to the Madison County Plan Commission adjusted as necessary to fully secure the Plan Commission for the full estimated cost of decommissioning.

17. All required fencing will be 6' chain link fence with barbed wire utilized where appropriate.

18. The Project shall be complete and operational on or before December 31, 2023.

ADOPTED THIS 28<sup>th</sup> DAY OF MAY, 2019.

MADISON COUNTY BOARD OF ZONING APPEALS

/s/ John Simmermon

JOHN SIMMERMON, VICE CHAIR

EXHIBIT "B" PAGE 3 OF 3

**MADISON COUNTY PLANNING COMMISSION**  
**16 E 9<sup>th</sup> Street, Box 13, Anderson, IN 46016**  
**Ph: (765) 641-9541 Fax: (765) 648-1361**  
**www.madisoncounty.in.gov**  
**NO PARTIAL FILINGS WILL BE ACCEPTED**

<b>For Office Use Only</b>	
Case #:	<u>19-V-0012</u>
Hearing Date:	_____
Date fee paid:	_____
Receipt #:	_____
Approved	Denied

**VARIANCE FROM DEVELOPMENT STANDARDS**

<b>Property Owner</b> Owner name: <u>Multiple (see property owners list)</u> Address: _____ Phone no(s): _____	<b>Petitioner Information</b> Petitioner name: <u>Long Oak Solar Energy, LLC</u> <u>c/o Kritya Samoteskul</u> Address: <u>One South Wacker Drive, Ste. 1800</u> <u>Chicago, IL 60606</u> Phone no(s): <u>312-582-1729</u> <u>ksamoteskul@lyncenergyllc.com</u>
<b>Attorney/Contact Person and Project Engineer (if any)</b> Name: <u>Mary E. Solada, Esq.</u> <u>Dingham Greenbaum Doll LLP</u> Address: <u>10 West Market Street, Ste. 2700</u> <u>Indianapolis, IN 46204</u> Phone no(s): <u>317-635-8200</u> <u>msolada@bgdllegat.com</u>	Name: _____ Address: _____ Phone: _____

<b>Attachments</b> <input type="checkbox"/> Completed Application <input type="checkbox"/> Copy of Most Current Deed with Legal Description <input type="checkbox"/> Letter of Intent <input type="checkbox"/> Site plan-drawn to scale (10 copies on 11x17 Paper) <input type="checkbox"/> Application Fee	<b>CRITERIA</b> 1. Will the approval be injurious to the public health, safety, morals, and general welfare of the community? 2. Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner? 3. Will the strict application of the terms of the zoning ordinance result in a practical difficulty in the use of the property?
<b>For Office Use Only</b> <input type="checkbox"/> Notice of Public Hearing <input type="checkbox"/> Affidavit of Publication of Legal Notice <input type="checkbox"/> Affidavit of Notice to Interested Parties	

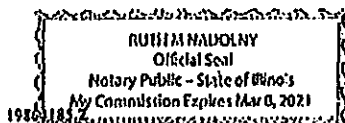
<b>Project Information</b> Township & Section: <u>Pipe Creek &amp; Monroe Townships - Multiple Sections (see property owners list)</u> Acreage or lot size: <u>approximately 900 acres</u> Address/location: <u>Multiple (see property owners list)</u> Current zoning: <u>Agriculture</u> Current Use <u>Agriculture</u> Nature of variance/special use/appeal: <u>Solar Farm with panels located near and over multiple property lines deviating from building setbacks per the site plan. Additionally, petitioner requests to deviate from the requirement to begin construction within 3 years.</u>	Parcel #: <u>Multiple (see property owners list)</u>
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The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: [Signature] Date: 03/19/2019  
Jonathan Saxon, Vice President, Renewable Development  
Long Oak Solar Energy LLC

State of Illinois  
 County of Cook  
 I, SS: Subscribed and sworn to before me this 19<sup>th</sup> day of March, 2019.

[Signature] Notary Public  
[Signature] Printed Name  
 Residing in Cook County, IL. My Commission expires: 3-8-2021



# Invenergy

One South Wacker Drive | Suite 1800 | Chicago, Illinois 60606  
T 312-224-1400 | F 312-224-1444

## General Project Location and Description of Project and Project Area

### 1.1 Project Location

The proposed Project is located in northwestern Madison County, Indiana, in Monroe and Pipe Creek Townships and between the Towns of Elwood and Alexandria. The Project spans north-south from 1000N to 1300N, and east-west from 350W to 600W.

### 1.2 Size of Project Area in acres

The Project will be built on approximately 850-900 acres of leased land within an approximately 1,890-acre Project Area boundary.

### 1.3 Project Size (rated capacity), in megawatts

The Project is a solar photovoltaic (PV) electric generation facility and will have an installed capacity of up to 120 MWAC. Power is generated by the panels as direct current (DC). DC power is then converted to alternating current (AC) by inverters. Total power production by the panels may be up to 158 MWDC (direct current).

Solar PV panels (modules) produced by a wide range of manufacturers are under consideration for the Project, including Canadian Solar, First Solar, Hanwha Qcells, JA Solar, Jinko, Longi, Risen, SunPower, and Trina. The Project will analyze current market offerings to make a final selection on specific solar module, inverter and racking system equipment. These panels have approximately 385-445 watts (W) of DC power output individually.

### 1.4 Components of the Proposed Solar Project

The main components of the Project include:

- Solar PV panels
- Racking to fasten and support the panels
- Tracking system

# Invenergy

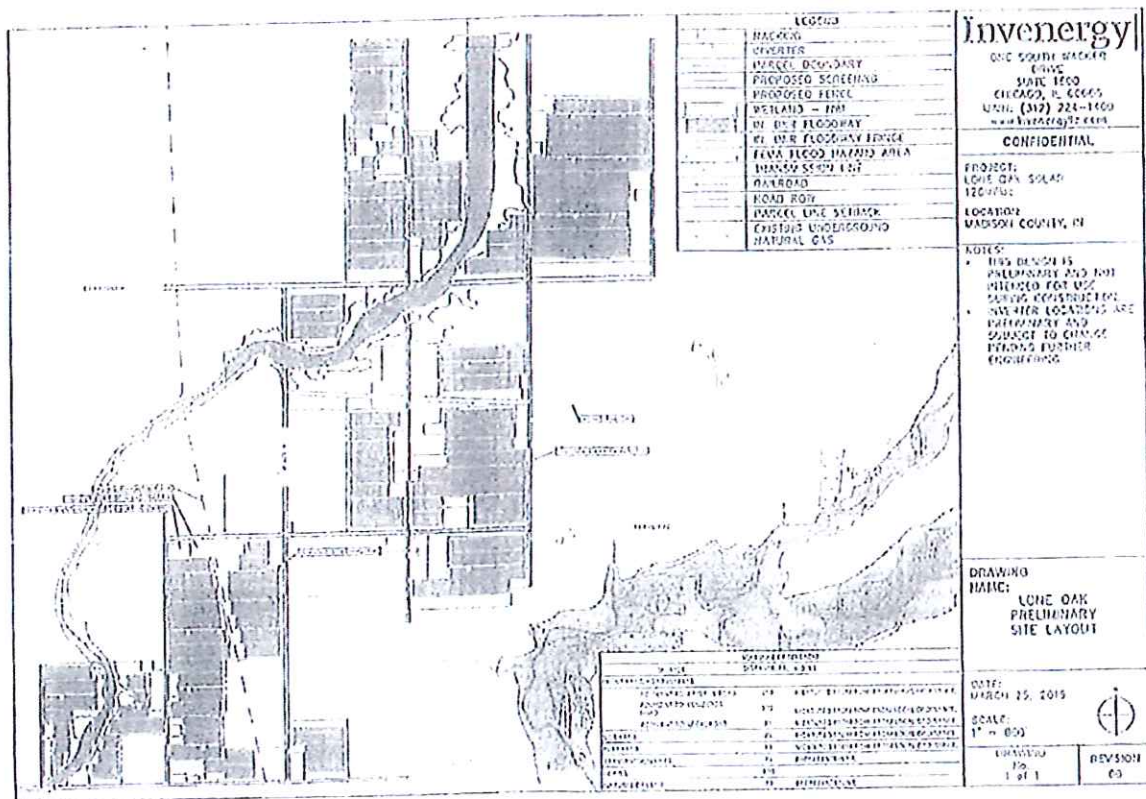
- Transformers and inverters
- Foundations and steel piles
- Electrical cabling and conduits
- Perimeter fencing, site access and internal roads

## 1.5 Project Ownership

Invenergy develops, builds, owns and operates large-scale energy facilities across four core technologies: wind (93 projects; 13,328 MW), natural gas (11 projects; 5,641 MW), solar (26 projects; 2,750 MW), and battery storage (5 projects; 69 MW). Invenergy projects are mainly located in the United States, with other projects located in Japan, Poland, Scotland, and Uruguay. Invenergy has a proven development track record of 125 large-scale projects developed totaling more than 20,000 MW.

Lone Oak Solar Energy LLC (Lone Oak) is a Delaware Limited Liability Company authorized to do business in Indiana. Lone Oak is a wholly-owned subsidiary of Invenergy.

Lone Oak will develop, design, permit, construct and operate the Project and sell the electrical output of the Project to customers pursuant to one or more agreements. Alternatively, Invenergy will sell some or all of the Project to one or more public utilities, with Invenergy remaining as the builder and operator of the Project.





**MADISON COUNTY PLANNING COMMISSION**  
**16 E 9<sup>th</sup> Street, Box 13, Anderson, IN 46016**  
 Ph: (765) 641-9541 Fax: (765) 648-1361  
www.madisoncounty.in.gov  
**NO PARTIAL FILINGS WILL BE ACCEPTED**

<i>For Office Use Only</i>	
Case #:	<u>19-SU 001</u>
Hearing Date:	_____
Date fee paid:	_____
Receipt #:	_____
Approved _____	Denied _____

**SPECIAL USE (EXCEPTION)**

<b>Property Owner</b> Owner name: <u>Multiple (see property owners list)</u> Address: _____ Phone no(s): _____	<b>Petitioner Information</b> Petitioner name: <u>Lone Oak Solar Energy, LLC</u> <u>c/o Katya Samoteskul</u> Address: <u>One South Wacker Drive, Ste. 1800</u> <u>Chicago, IL 60606</u> Phone no(s): <u>312-582-1729</u> <u>ksamoteskul@invenergyllc.com</u>
<b>Attorney/Contact Person and Project Engineer (if any)</b> Name: <u>Mary E. Solady, Esq.</u> <u>Bingham Greenbaum Doll LLP</u> Address: <u>10 West Market Street, Ste. 2700</u> <u>Indianapolis, IN 46204</u> Phone no(s): <u>317-635-8900</u> <u>msolady@bgdlegal.com</u>	Name: _____ Address: _____ Phone: _____
<b>Attachments</b> <input type="checkbox"/> Completed Application <input type="checkbox"/> Copy of Most Current Deed with Legal Description <input type="checkbox"/> Letter of intent <input type="checkbox"/> Site plan-drawn to scale (10 copies on 11x17 Paper) <input type="checkbox"/> Application Fee	<b>CRITERIA</b> 1. The proposal will not be injurious to the public health, safety, morals, and general welfare of the community; 2. The requirements and development standards for the requested special use as prescribed by this Ordinance will be met; 3. Granting the special use will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity; 4. The proposed use will be consistent with the character of the zoning district in which it is located and the Madison County Comprehensive Plan
<b>For Office Use Only</b> <input type="checkbox"/> Notice of Public Hearing <input type="checkbox"/> Affidavit of Publication of Legal Notice <input type="checkbox"/> Affidavit of Notice to Interested Parties	

<b>Project Information</b> Township & Section: <u>Pipe Creek &amp; Monroe Townships - Multiple Sections (see property owners list)</u> Acreage or lot size: <u>approximately 900 acres</u> Address/location: <u>Multiple (see property owners list)</u> Current zoning: <u>Agriculture</u> Current Use <u>Agriculture</u> Nature of variance/special use/appeal: <u>Special Use (Exception) for a Solar Farm.</u>	Parcel #: <u>Multiple (see property owners list)</u>
--	--

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: \_\_\_\_\_

Date: 03/19/2019

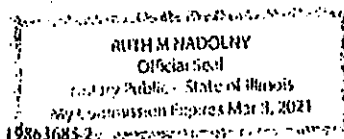
Jon Saxton, Vice President, Renewable Development  
Lone Oak Solar Energy LLC

State of Illinois )  
 County of Cook )

SS: Subscribed and sworn to before me this 19<sup>th</sup> day of March, 2019.

Ruth M. Nadolny, Ruth M. Nadolny  
 Notary Public Printed Name

Residing in Cook County, IL My Commission expires: 2-8-2021



# Invenergy

One South Wacker Drive | Suite 1800 | Chicago, Illinois 60606  
T 312-224-1400 | F 312-224-1444

## General Project Location and Description of Project and Project Area

### 1.1 Project Location

The proposed Project is located in northwestern Madison County, Indiana, in Monroe and Pipe Creek Townships and between the Towns of Elwood and Alexandria. The Project spans north-south from 1000N to 1300N, and east-west from 350W to 600W.

### 1.2 Size of Project Area in acres

The Project will be built on approximately 850-900 acres of leased land within an approximately 1,890-acre Project Area boundary.

### 1.3 Project Size (rated capacity), in megawatts

The Project is a solar photovoltaic (PV) electric generation facility and will have an installed capacity of up to 120 MWAC. Power is generated by the panels as direct current (DC). DC power is then converted to alternating current (AC) by inverters. Total power production by the panels may be up to 158 MWDC (direct current).

Solar PV panels (modules) produced by a wide range of manufacturers are under consideration for the Project, including Canadian Solar, First Solar, Hanwha Qcells, JA Solar, Jinko, Longi, Risen, SunPower, and Trina. The Project will analyze current market offerings to make a final selection on specific solar module, inverter and racking system equipment. These panels have approximately 385-445 watts (W) of DC power output individually.

### 1.4 Components of the Proposed Solar Project

The main components of the Project include:

- Solar PV panels
- Racking to fasten and support the panels
- Tracking system

# Invenergy

- Transformers and inverters
- Foundations and steel piles
- Electrical cabling and conduits
- Perimeter fencing, site access and internal roads

## 1.5 Project Ownership

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